IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

CRP.No. 2443 of 1995()

HP.12.1/1992(HB) of T.L.B.,SULTHANBATHERI
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REVN. PETITIONER:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. M.R. SABU.

RESPONDENT:

A. MOIDEENKUTTY HAJI,
AYAKOTHUMAN, CHETHALAYAM.
(DIED)
R2 TO R9 IMPLEADED:

2: AYAKKOTTUMMAL PATHUMMA,
AYAKKOTTUMMAL HOUSE, PARAPPARA,
KODUVALLY P.O. KOZHIKODE DISTRICT.

3: AYAKKOTTUMMAL SAINABA, P.O. CHETHALAYAM,
KIDANGANAD VILLAGE, WAYANAD DISTRICT.

4: AYAKKOTTUMMAL MUHAMMADALI,
CHETHALAYAM,
KIDANGANAD VILLAGE, WAYANAD DISTRICT.

5: AYAKKOTTUMMAL AYIZHAKUTTY, W/O MUHAMMED,
MALIYEKKAL, KOZHIKODE DISTRICT.

6: AYAKKOTTUMMAL ABOOBAKKER, P.O. CHETHALAYAM,
KIDANGANAD VILLAGE, WAYANAD DISTRICT.

7: AYAKKOTTUMMAL ABDULLA, P.O. CHETHALAYAM,
KIDANGANAD VILLAGE, WAYANAD DISTRICT.

8: AYAKKOTTUMMAL ASHRAF, P.O. CHETHALAYAM,
KIDANGANAD VILLAGE, WAYANAD DISTRICT.

9: AYAKKOTTUMMAL UMMER, P.O. CHETHALAYAM, KIDANGANAD VILLAGE, WAYANAD DISTRICT.

ADDL. R2 TO R9 ARE IMPLEADED AS THE LEGAL HEIRS OF THE DECEASED SOLE RESPONDENT AS PER ORDER DATED 27.6.05 IN CMP 57/03.

ADDL. R2 TO 9 BY ADV. SRI.A.A.ABUL HASSAN SMT.ANEESA.E.A

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. 2443 OF 1995

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Dated this the 7th day of March, 2007.

O R D E R

This revision is preferred against the order of the Taluk Land Board, Sulthan Bathery. The Taluk Land Board re-opend the case under Section 85(9) A of the Kerala Land Reforms Act on the ground that exemption of 4.03 acres of land granted as coffee plantation is without valid documents and therefore the matter has to be re-opened and further proceeded with. The Taluk Land Board, after hearing the learned counsel for the declarant had perused the earlier order passed by the Board and came to a conclusion that the exemption granted to the coffee plantation is in order and therefore there is no ground to re-open the case and hence dropped the same.

2. It it against that decision the State has come up in revision. It is true that if there are sufficient materials before the authorities to show that the plantation had come into being after the crucial date of 15/9/1963, then the exemption may not

be applicable to the declarant for the reason that it will not come under the exempted category. The Taluk Land Board had referred to a Certificate issued in the year 1968-69 by the coffee Board and the learned counsel for the respondents has made me available a copy of the Special Deputy Tahsildar's report which shows that even in the year 1976 the coffee plantation was aged more than 15 years. Under Section 105 of the Kerala Land Reforms Act, the Special Deputy Tahsildar's report being a report of an authorised officer is entitled to acceptance unless there is evidence to show that it has been incorrectly made. There is nothing produced to show that it is incorrect. After a proper application of mind the Taluk Land Board has considered the question and exempted the plantation from the purview of the ceiling to be computed u/s 82 of the K.L.R. Act. There is no illegality or irregularity committed by the Taluk Land Board and its decision does not suffer from any infirmity. Therefore, the revision is dismissed.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.

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C.R.P. 2443 OF 1995

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O R D E R

7th March, 2007.